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Date: June 30, 2005 **Pages (including this page):** 12
To: Commissioner for Patents **Fax:** 703-872-9306 **Phone:**

From: Douglas A. Collier **Fax:** (317) 636-1507 **Phone:** (317) 238-6333

Subject: U.S. Patent Application Serial No. 10/790,329

Comments: I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office at 703-872-9306 on:

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PTO/SB/21 (09-04)

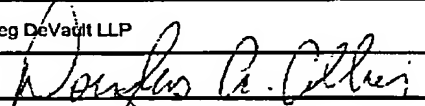
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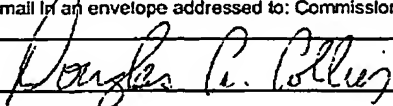
| | | |
|---|------------------------|--------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10780.329 |
| | Filing Date | March 1, 2004 |
| | First Named Inventor | Kevin T. Foley |
| | Art Unit | 3738 |
| | Examiner Name | Thomas Sweet |
| | Attorney Docket Number | 4002-3486/PC746.02 |
| Total Number of Pages in This Submission | | 11 |

| ENCLOSURES (Check all that apply) | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Krieg DeVault LLP | | |
| Signature |  | | |
| Printed name | Douglas A. Collier | | |
| Date | June 30, 2005 | Reg. No. | 43,556 |

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| | | |
|---------------------------|---|------------------------------------|
| In re patent |) | |
| application of: |) | Before the Examiner |
| |) | |
| Kevin T. Foley |) | Thomas Sweet |
| |) | |
| Serial No. 10/790,329 |) | |
| |) | Group Art Unit 3738 |
| Filed: March 1, 2004 |) | |
| |) | Atty Docket No. 4002-3486/PC746.02 |
| SYSTEMS AND METHODS FOR |) | |
| RESTORING AND MAINTAINING |) | June 30, 2005 |
| INTERVERTEBRAL ANATOMY |) | |

RESPONSE TO FINAL OFFICE ACTION and ADVISORY ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed April 5, 2005, and Advisory Action mailed June 16, 2005, please consider the following. No fees or extensions of time are believed due for consideration of the same. Please provide any extensions of times that may be necessary and charge any fees due to Deposit Account 12-2424, but not including the payment of issue fees.

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June 30, 2005
(Date of Transmission)

Douglas A. Collier
Name of Registered Representative

Douglas A. Collier
Signature

June 30, 2005
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Response to Advisory Action and to Final Office Action
Ser. No. 10/790,329
Atty Docket No. 4002-3486/PC746.02
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